

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GILBERTO LOPEZ,

Plaintiff,

v.

DSHS; JOHN CLAYTON, Assistant
Secretary,

Defendants.

No. CV-12-3053-EFS

**ORDER DISMISSING COMPLAINT AND
CLOSING FILE**

On January 17, 2013, the Court dismissed Plaintiff Gilberto Lopez's Complaint based on his failure to timely amend. ECF No. 6. Judgment in favor of Defendants was entered on the same day. ECF No. 7. On January 25, 2013, the Court received a letter from Plaintiff, ECF No. 8, which the Court construed as a motion to reconsider and for leave to amend the Complaint. In response to Plaintiff's request for additional time to prepare an amended complaint, the Court reopened this case, vacated its prior judgment in favor of Defendants, and granted Plaintiff an additional eighty (80) days in which to file an amended complaint. ECF No. 9. The Court instructed Plaintiff to file his amended complaint by no later than April 15, 2013, *id.*; however, Plaintiff did not file an amended complaint by that deadline. Accordingly, for the reasons previously stated in the Court's January 17, 2013 Order, ECF No. 6, the Court again dismisses Plaintiff's

1 complaint and directs entry of judgment in favor of Defendants. **The**
2 **Court certifies that any appeal of this dismissal would not be taken**
3 **in good faith.**

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. The Complaint, **ECF No. 5**, is **DISMISSED WITH PREJUDICE**.

6 2. The Clerk's Office is directed to **ENTER JUDGMENT** in favor
7 of Defendants.

8 3. All pending hearings, deadlines, and motions are **STRICKEN**.

9 4. This file shall be **CLOSED**.

10 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
11 Order and provide a copy to Plaintiff at his last known address.

12 **DATED** this 15th day of April 2013.

13
14 s/Edward F. Shea

EDWARD F. SHEA

15 Senior United States District Judge
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